IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Smt. Keli Devi

Vs.

Rajasthan State Road Transport Corporation & Anr.

**S.B.CIVIL WRIT PETITION NO.1918/2005**

DATE OF ORDER :: April 16, 2007

**PRESENT**

**HON'BLE MR.JUSTICE H.R.PANWAR**

Mr.Rakesh Arora, for the petitioner.
Mr.Vineet Kumar Mathur, for the respondents.

**BY THE COURT:**

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to consider and provide her compassionate appointment as also to pay the payment of unutilized privilege leave, provident fund, insurance, extra duty allowance etc. with interest @ 18% per annum.

A reply to the writ petition has been filed by the

respondents. In para 6 of the reply, it has been stated that the petitioner has been paid a sum of Rs.25,000/- and Rs.5,60,700/- has been deposited before the Workmen Compensation, Sirohi in compliance of the order dt. 3.5.2002 in a claim case being Suit No.03/2001. The petitioner has also been paid a sum of Rs.6267/- against unutilized privilege leave and Rs.18,619/- as final payment of GPF and Rs.25,000/- against the workman welfare fund vide order dt. 18.10.2001.

Learned counsel for the petitioner submits that gratuity payment has not been paid. However, in para 9 of the reply, it has been stated that the gratuity amount of Rs.18767/- has been paid to the petitioner on 9.6.2005. In the circumstances, therefore, the relief No. (i) prayed for has already been granted to the petitioner by the respondents. So far as question of relief No. (ii) with regard to compassionate appointment is concerned, the respondent came with a case that there is no vacant post, however, learned counsel for the respondents has shown me an office order No. Mukhya/Karmik/1-C/06/495 dt. 14.6.2006, wherein the posts for compassionate appointment have been sanctioned for Security Guard, IVth Class Emloyee/Sweeper. It has also been made clear that for considering the compassionate appointment, the educational qualification can be relaxed in view of Rule 7(2) of the Rules. Thus, there is no impediment now for

providing the compassionate appointment to the petitioner. The petitioner is eligible for the compassionate appointment as she fulfills the requirement to the extent that her husband died while in service of the respondents. In this view of the matter, the writ petition deserves to be allowed to the extent directing the respondents to consider and provide the compassionate appointment to the petitioner on the post of Class-IV Employee/Sweepar, if found suitable, in view of the order dt. 14.6.2006. The respondents are directed to consider and provide the compassionate appointment to the petitioner on the suitable post. This exercise will be done within four months from today.

With these directions, the writ petition is allowed. Stay petition stands disposed of. There shall be no order as to costs.

**[H.R.PANWAR],J.**

m.asif/-